

Application No. 10/645,641
Attorney Docket No.: 14123-17
December 29, 2004

REMARKS AND INTERVIEW SUMMARY

Claims 1-18 are pending in the present application and have been amended herein. Claims 1 and 11 are the only claims in independent form. The Examiner is respectfully requested to reconsider the Office Action dated November 29, 2004, for at least the reasons presented below.

Applicants would like to thank the Examiner for discussing the Office Action and the present application with Applicants' undersigned attorney via telephone on December 13, 2004. During the interview, the Examiner suggested that the Claims 1-18 be amended to replace the term "circulator" with the phrase --non-reciprocal device--. As noted by the Examiner, the phrase --non-reciprocal device-- is a well-known "term of art" used to describe both circulators and isolators. As such, the suggested amendments would not introduce new matter into the disclosure of the present application. Accordingly, Claims 1-18 have been amended as suggested by the Examiner.

During the December 13th interview, the Examiner also recommended that Applicants re-submit a traversal of a previous species restriction presented in a communication dated August 27, 2004. The Examiner further noted that Claim 1 will be considered generic if the elements in Fig. 3 are included in Figs. 4-6.

APPLICANTS' ELECTION IN VIEW OF THE RESTRICTION REQUIREMENTS

The Office Action states that an election is required between the following two inventions:

Group I: Claims 1-10, drawn to a circulator; and

Group II: Claims 11-18, drawn to a method of making a circulator.

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Pursuant to 35 U.S.C. 121, Applicants hereby elect without traverse to prosecute the Group I claims (Claims 1-10) in the present application. Applicants reserve the right to prosecute the Group II claims (Claims 11-18) in one or more divisional applications claiming the benefit of priority of the present application.

The Office Action further states that a restriction is requires between:

(Species I) drawn to a species which has no vias;

(Species II) drawn to a species which has ferrite vias;

(Species III) drawn to a species which has electrically conductive vias;

and

(Species IV) drawn to a species which has thermally conductive vias.

Pursuant to 35 U.S.C. 121, Applicants hereby elect with traverse to prosecute the Species I claims (Claims 1-3, 7 and 10) in the present application. Applicants reserve the right to prosecute the Species II, III, and IV claims in one or more divisional applications claiming the benefit of priority of the present application.

APPLICANTS' TRAVERSAL OF THE SECOND RESTRICTION REQUIREMENT

Notwithstanding the election made above, Applicants respectfully traverse the restriction requirement for at least the reasons presented below.

Pursuant to MPEP Section 803, a proper requirement for restriction requires both:

1) a showing that inventions are independent or distinct; and 2) a serious burden on the Examiner. Here, the Office Action fails to provide any reasons and/or examples to support the conclusion that the species defined in the Office Action are patentably distinct. The Office Action merely presents a conclusory statement that "the claims are directed to patentably distinct species." (Office Action, page 2, section 1). The absence of a single reason or example as to

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why these proposed species are distinct fails to meet the requirements of the MPEP Section 803 and renders the restriction requirement improper.

The Office Action also fails to establish that the present application presents a serious burden on the Examiner. No supporting evidentiary statements showing that the proposed species are separately classified, have a separate status in the art, or that the species are in different fields of search are presented in the Office Action. (MPEP Section 803).

In view of the above, withdrawal of the election-of-species requirement and examination of Claims 1-10 in the present application are respectfully requested.

APPLICANTS' TRAVERSAL OF FINDING THAT STATEMENT THAT NO CLAIM IS GENERIC

In addition, Applicants respectfully disagree with the Office Action's conclusion that "[c]urrently, no claim is generic." (Office Action, page 2, section 1). According to MPEP Section 806.04(d), a claim is generic if it includes no material element additional to those recited in the species claims and must comprehend within its confines the organization covered in each of the species. Here, Applicants submit that at least Claim 1 is generic.

Claim 1, as amended, reads as follows:

A low temperature cofired ceramic-metal (LTCC-M) integrated non-reciprocal device for directing radio frequency (RF) signals, comprising:

at least one ferrite disk situated in a magnetic field caused by at least one magnet and a ferrous base plate acting as a magnetic return path;

a conductor junction having three ports for coupling the RF signals to the non-reciprocal device; and

a plurality of LTCC-M insulating layers for positioning the at least one magnet and the at least one ferrite disk, and to support the conductor junction.

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The claims corresponding to Species I, II, III and IV (Claims 1-10) include all of the essential elements of Claim 1. Further, Claim 1 does not include any essential element additional to those recited in the claims corresponding to the species defined in the Office Action.

Further, it is well settled that a claim is considered generic if it reads on each of the views (or figures) which are said to illustrate the species. MPEP Section 806.04(d). The Office Action alleges that Species I is shown in Figure 3; Species II is shown in Figure 4; Species III is shown in Figure 5; and Species IV is shown in Figure 6. The elements of generic Claim 1 are represented in the Figures 3-6 as follows:

ferrite disk 12,
magnet 11,
ferrous base plate 33,
a conductor junction 14,
and a plurality of insulating layers 32, 34.

Figure 3 (Species I), Figure 4 (Species II), Figure 5 (Species III) and Figure 6 (Species IV) each show all of the elements of Claim 1. Thus, Claim 1 is believed to clearly read on the views presented in Figures 3, 4, 5, and 6.

Because at least Claim 1 of Species I is generic, upon allowance of generic Claim 1, Applicants are entitled to consideration of the claims corresponding to the other species defined in the Office Action, all of which are written in dependent form and/or otherwise include all the limitations of at least generic Claim 1. 37 C.F.R. §1.141.

In summary, Applicants elect to prosecute in the present application the claims directed to the non-reciprocal device and the claims directed to Species I, corresponding to

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Claims 1-3, 7 and 10. Claims 4-6, 8 and 9 are withdrawn from consideration without prejudice, pending reconsideration of the Applicants' traversal. Claims 11-18 are withdrawn from consideration without prejudice.

Further, based on the reasons set forth above, Applicants traverse and respectfully request withdrawal of the restriction requirement as a whole.

Furthermore, Applicants traverse the Office Action's conclusion that there is no generic claim in the present application. As such, Applicants respectfully request that all apparatus claims of the non-elected species be rejoined with the present application upon allowance of generic Claim 1.

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CONCLUSION

In view of the above amendments and remarks, reconsideration and an early and favorable examination on the merits are respectfully requested.

No fee is believed due in connection with the present Response. If, however, a fee is deemed necessary to have the Response entered and considered, please charge such fee to Deposit Account No. 501358.

Applicants' undersigned attorney may be reached by telephone at (973) 597-2500.

All correspondence should continue to be directed to our address listed below.

Respectfully submitted,



Daniel D. Sierchio
Attorney for Applicants
Reg. No. 53,591

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LOWENSTEIN, SANDLER PC
65 Livingston Avenue
Roseland, NJ 07068
Tel.: 973-597-2500